

FILED

AUG 18 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CT-3216
(Leave this space blank)

Charles Anthony Williams

(Enter full name of each plaintiff(s))

v.

Inmate Number 0560566

ABDULLAH H-con C/o

T. Crosson L.T

(Enter full name of each defendant(s))

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING
WITH THE SAME FACTS INVOLVED IN THIS ACTION? Yes () No (☒)

If your answer is Yes, describe the former lawsuit in the space provided below:

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE
STATE INMATE GRIEVANCE PROCEDURE? Yes (☒) No ()

If your answer is Yes, what steps did you take? I Filed a grievance two time

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Gave Notice complaint TO MS. Sutton, MR Ryan, MR. Munns
To confront the Administrative on my complaint against
the officers involved. I appeal both grievances to step 3
and go through the Grievance Procedure As step 1 and step 2.

What was the result? Attach copies of grievances or other supporting documentation.)

Both grievance came back on step 3 Resolved
And Do to facts Both grievance was investigated by
Administrative Remedy procedure Not dismiss see Attach copies grievance

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement. (Choose the box that applies to your action.)

☐ There are no grievance procedures at the correctional facility at which I am being confined.

☐ This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

☒ I have exhausted my administrative remedies relating to this complaint and have attached copies of my grievances demonstrating completions.

III. PARTIES — In Item A below, place your name in the first blank and your present address in the second blank. Do the same for all additional plaintiffs. **NOTE: ALL plaintiffs listed in the caption on the first page should be listed in this section.**

A. Name of plaintiff Charles Anthony Williams
Name and address of present confinement facility Polk Corr Inst
P.O. Box 2500 Butler NC 27509

Name of plaintiff _____

Name and address of present confinement facility _____

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In Item B below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C through F for any additional defendants. **NOTE: ALL defendants listed in the caption on the first page should be listed in this section.**

B. Defendant ABDULLAH
Position OFFICER H-CON
Employed at Polk Corr Inst
Address P.O. Box 2500 Butner N.C 27509
Capacity in which defendant is being sued: Individual (☒) Official () Both ()

C. Defendant T. Crosson
Position L.T
Employed at Polk Corr Inst
Address P.O. Box 2500 Butner N.C 27509
Capacity in which defendant is being sued: Individual (☒) Official () Both ()

D. Defendant _____
Position _____
Employed at _____
Address _____
Capacity in which defendant is being sued: Individual () Official () Both ()

E. Defendant _____
Position _____
Employed at _____
Address _____
Capacity in which defendant is being sued: Individual () Official () Both ()

Statement of Claim

I AM stating this claim against C/O Abdullah For unprofessional duty as a staff. Been on H-con to do use of misconduct force by spraying O.C pepper thru my door within H-con sallyport housing area of Blind spot. This misconduct misbehavior this staff done was a violation to my United States Constitution and Amendment rights for cruel and unusual punishment. I am also claim this matter of C/O Abdullah had the evil intent to cause body harm and injury which was a action in not good faith. By staff sprayed ~~the~~ pepper spray cause me and my cellmate to choke and could not breath in clear air. This claim is very unsafe to inmates health in a close area. Abdullah abuse her oath as a Department correctional official. This claim statement of proof and facts that C/O Abdullah have violate policy with disrupted behavior to use of force simply to punish inmate. This is a matter of order and discipline by bad faith.

On 9-19-2014 about 1630 hrs. C/O Abdullah and C/O Hicks passout dinner Trays on H-con above Top B-Block hallway Floor At Polk correctional Inst. After issue at hand inmates was making complaints about the food Trays and the amount of Food was not correct. As I observant C/O Abdullah and C/O Hicks picking up Dinner Trays upstairs B-Block Floor. They got to H-con B-2-E sallyport which C/O Abdullah had a conflict she was not allowed to come in the sallyport by C/O Hicks order her to stay out. C/O Hicks gone in the sallyport with the shield in hand with H-con keys to get inmate B-209 Tray. C/O Abdullah stood By the Door on the hallway. Hicks came out but before he came C/O Abdullah step off and with speed pull her baton out and bang on my front cell window as I jump up she was arguing with inmates on the hallway. As Both officers came to B-2-B sallyport Door. They waited 5 sec before the Booth staff John Doe open the side door so staffs to enter. By this time C/O Hicks got the shield and keys in hands.

Both STAFFS walk in and gone directly to my cellmate door first which inmate Roy Locklear #1341469 was at his Door B-204 on H-con waiting to give his tray back to a Officer Hicks which open his tray Flap door with the H-con Keys. As I was watch standing at my door. I witness C/o Abdullah pulled out her O.C. pepper spray and told inmate Locklear Not to say nothing. She step walk Fast from B-204 Door and quickly sprayed mase thru the side Door of B-203. Well C/o Hicks was still at B-204 Locking his trap window and Flap trap back. At that time C/o Hicks turn about around And C/o Abdullah told C/o Hicks something in his ear in a low voice. As I and my cellmate started choking C/o Hicks ask what happen? I told C/o Hicks to open my trap Flap door and get my TRAY But C/o Abdullah gave him a order Not to open it. C/o Hicks then lock my window Trap and walk out after C/o Abdullah. My Trap Flap Door was never open at all after that took place my cellmate started Beating, Banging the window of his front cell Because they are not emergencies call ~~button~~ in the cell to notice the H-con Booth Because he have a ston and couldn't get no air. Building Ranking SGT Garrity was put on notice of the incident of Force was Done. 30 to 40 min pass I was FINALLY pull out my cell By the SGT Garrity to see the nurse which was on H-con For treatment. By MS. Miller. I was check out and took back to my cell B-203. The spray was so strange STAFFS had to open up the sallyport window. SGT MS. Hargrove came to see what had took place. I was gave a opportunity to write a statement on a 138-B- which my cellmate Roy Locklear wrote a statement on a 138-B- also For what C/o Abdullah Done. I Request a grievance on 9-14-2014 and Filed a complaint. SEE Attached Grievance number 3980-14-1106 which I appeal to Step 2 10/7/2014 By SGT Hargrove. 10-14-2014 Superintendent Ryan review matters on Step 2 which I appeal 10-17-2014 to Secretary Doc. Step 3 was Review and Received 11-5-2014 Document 1 Filed 08/18/16 Page 5 of 10 Resolved GRB 4955 number. Plaintiff exhausted his Administrative Remedies

Before Filing this Complaint

On 10-26-2015 SGT Crosson came with a notice to inmate DC 138A for the disciplinary hearing which I sign to 9-14-2014 writeup I was gave by Abdullah. I and Fox/locklear wrote a statement which I requested witness Hicks, Carrity, Hargrove. SGT Denise Williams came 11-09-14 which I plea Not Guilty to a B6-B99 which B99 in Reference to B-20. Package was forward to DHO which 11-20-14 1:20 AM Verdeen B. Benjamin Done the hearing and by I plea Not guilty again. By alot of Conflict and ERRORS to Question Verdeen B. Benjamin sent it Back for Reinvest Abdullah Summary stated on 9-14-2014 at approx 16:30 hrs officer Abdullah Reports that she observed inmate Williams stoking his erected penis with his left hand and then Attempted to grab her left arm Force was used in this incident. Inmate Williams was advised of this Report and Recommended the charge of B-6 And B-99 in Reference to B-20. Inmate Williams pled not guilty to the Charge of B-6 B-99 in Reference to B-20. By Ranking Charge Crosson was Granted LIT which I was gave A DC 138A to write A New Statement I sign 11-21-2014. Williams Denise came again for my pending Reinvest 11-24-2014 at 8:34 AM. I plea Not guilty to B-6 B-99 and package was Forward to DHO. Under Reinvestigation statement. I Request LIT Crosson to dismissal on the Behalf of Abdullah making False Report. After hearing DHO Verdeen B. Benjamin Notice statement on my witness I wrote a new enlighty Facts which LIT Crosson Did not Read me any witness Reports statement within her investigation which my notice rights to inmates Rule 3 was not upheld. on 9-14-2014 Abdullah and Hicks passout dinner trays on H-con above B-Block Floor. After issue at hand inmates was making complaints about the food tray. As I observant C/O Abdullah C/O Hicks picking up Food trays. They got to H-con B-2E sallyport C/O Abdullah had a conflict she was not to come in the sallyport by C/O Hicks order her to stay out as that took place C/O Hicks had the shield in his hands with keys, and C/O Abdullah was Beside him. Before B-2-B sallyport was open as Both STAFFS came to the sallyport. The sallyport was closed. I was first to go in which is Locklear

to get this tray. C/O Hicks got the keys and shield well C/O Abdullah is standing there. By policy staffs is only to unlock inmate TRAP at one time, As C/O Hicks was getting back my TRAY. C/O Abdullah step off and spray mace thru the side of my cell door and Backup. C/O Hicks started choking and turn around to see matter C/O Abdullah was standing by the wall. As C/O Hicks came to my TRAP to unlock it to get my tray Abdullah told him not to opening my TRAP Flap. Inmates backlear witness this matter and before this misconduct took place Abdullah told him Inmate backlear not say nothing after he witness her pulled out her mace can before spraying mace in my side Door. SGT Garrity wrote in his statement that Abdullah told him she sprayed me when her and Hicks was passing out TRAYS. C/O Hicks statement never once said I try to Grab Abdullah or do any kind of sex action As Jacking my penis off within the scully port which C/O Hicks had the keys. Abdullah never had NO keys to unlock my TRAP. If this was a true matter then C/O Hicks would have been AT my TRAP Flap with Abdullah to witness all matters. The Facts that Abdullah lie to SGT Garrity and By the Booth documents all staffs is assign Keys. Abdullah was not assign NO keys 10-19-2017. on 12-18-2014 about 1:30 P.M A DHO hearing was set Review By MS. Bruton Shawn D on H-con AT Polk. I plea Not guilty to B-6 B99 and all statement was read which MS. Bruton Shawn D see that all evidence was not added up which T. Crosson withheld video footage to show in my package. L.T Walker was the sit in staff which hearing was put on hold To Question my witness Hicks on what happen which the meeting was held in the SGT office. When they came back they Reported that Hicks statement said he had his Back turn when he unlock 204 B TRAP Flap to get his TRAY and after that he started Choking from mace smell. When he turn around Abdullah was standing By the wall By 203 B door side, so he lock B-204 TRAP Back. By Facts if Abdullah open my TRAP Flap she came that mean 2 trap Flaps would Be open But it's only one set of Keys which Hicks got so Abdullah Lie and Done Fabricated Report and T. Crosson False Charge this inmate with a writeup that never took place. MS. Bruton Shawn D dismiss Both writeup B-6 B99 But I was never gave a copy. pg 7 of 27

I hereby gave Notice To Ms. Sutton ^{MR} Administrative ^{MR} Ryan ^{MR} ^{MR} Munns
Plaintiff exhausted his Administrative remedies before Filing this complaint
I hereby 128-2015 Grievance number 3980-15-0065 made a claim of
Fabricated Report False Charge By Abdullah and T. Crosson. I
inform Ms. Sutton and Mr. Ryan on this matters. Step 1 L.J. medlin
Done his Review 2/3/15 which I appeal 2/3/2015 ~~step 1~~ to step 2.
O'Neal Review 2/17/2015 which I appeal 2/19/2015 for step 3.
Date Received 2/25/2015 GRB Grievance No: 8706. After Review issue
came Resolved 7/13/2015. To this Statement claim. we think that is
wrong when prison staff make False Reports and Recommendations with the purpose or expect
that they will lead to Segregated confinement they should be Subject to Liability under
the usual principles that individuals can be held Liable for the severe consequences
of the action. also Holding allegation that officer Filed Fabricated
Reports to conceal their 8th Amendment violation stated a claim. AT
Least one court has held that an officer's Fake testimony made with
Knowledge that it would lead to disciplinary confinement could constitute
the Act of intentional infliction of emotional distress. IN this 1983 suit
the court have Jurisdiction and that this action seeks to redress the
deprivation, under color of State Law, of rights secured by Acts of
Congress providing For equal rights of persons within the Jurisdiction
of the United States federal civil rights action By Law. Therefore
Plaintiff is Suing the Defendant Abdullah and T. Crosson in their
Individual Capacity with the seeking of monetary damages.
Herefore after T. Crosson Learn the evidence At hands Facts of
Information that in link Behind the write up that Abdullah that Done.
That it was know to her that this C/O had special violation TO policy
of H-con By spraying O.C Pepper For Not cause with For a substantial
risk of harm that violated plaintiff's rights But fail to provides awareness of
Wrong Doing As the Supervisors Lower Rank Officer 980221

V. RELIEF SOUGHT BY PRISONER — State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

Plaintiffs Request an order declaring that defendants have acted in violation of the United States Constitution. Plaintiff Requests \$25,000 as compensatory Damages from Defendant C/o Abdullah and Requests \$25,000 in punitive Damages Awarded. Plaintiff Request \$5,000 as compensatory Damages From Terosen and punitive Damages \$5,000 awarded. A declaring that plaintiff have a Jury trial on all issues triable by Jury, Any additional Relief this court deems Just proper and equitable To pass a Bill For all Employees Making False Report to hind evidence Violating a prisoner rights with False Documents Been file in ~~DOJ~~

Signed this 12th day of August, 2015

Charles Williams

Signature of Plaintiff

Charles Williams

Signature of Other Plaintiff (if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

Aug 12, 2015
Date

Charles Williams a
Signature of Plaintiff

Aug 12, 2015
Date

Charles Williams A
Signature of Other Plaintiff (if necessary)

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VERIFICATION

I HAVE Read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief and as to those, I Believe them to be true, I Certify under penalty of perjury that the foregoing is true and correct.

SEE Attached Exhibits (A) grievance
Exhibits (B) grievance By plaintiff

Executed at Polk Corr Inst
PO Box 2500
Butner N.C 27509

Charles Williams
Charles Williams
Date Aug 12 2015

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